UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC, a Delaware Limited Liability Company Plaintiff, v. ARCHITECTURAL LIGHTING SYSTEMS, a division of ARCH LIGHTING GROUP, a Rhode Island Corporation Defendant.	Civil Action No. 05-CV-10945 WJY

GENLYTE THOMAS GROUP LLC'S RESPONSE TO DEFENDANT'S STATEMENT OF UNDISPUTED FACTS AND COUNTERSTATEMENT OF FACTS

Pursuant to Local Rule 56.1, Plaintiff, Genlyte Thomas Group LLC ("Genlyte"), submits the following Response to Defendant's Statement of Undisputed Facts:

1. ALS manufactures and sells various models of lighting products for use in patient rooms under the name MulTMed.

RESPONSE: Genlyte does not dispute paragraph 1.

2. The MulTMed products are intended to be installed on or in a ceiling of a patient room over the bed.

RESPONSE: Genlyte does not dispute paragraph 2.

3. The MulTMed products include multiple fixtures to provide light for different types of functions necessary in patient rooms, including patient reading, ambient room lighting, and examination of a patient.

RESPONSE: Genlyte does not dispute paragraph 3.

4. There are two principal models for the MulTMed product, 2x2 and 2x4.

RESPONSE: Genlyte does not dispute paragraph 4.

5. The MulTMed 2x4 product includes three fixtures, each having one or more lamps, which function as a reading light, an ambient light and an examination light.

RESPONSE: Genlyte does not dispute paragraph 5.

6. The MulTMed 2x2 product include [*sic*] two fixtures, each having one or more lamps. The fixtures provide the same functions as in the MulTMed 2x4 product, but in various combinations, including (1) a reading light and an ambient light; (2) an ambient light and an examination light.

RESPONSE: Genlyte does not dispute paragraph 6.

7. For each of the models of the MulTMed product, there are a variety of options. Options include a nurse/chart light, lamp types, voltage levels, and mounting structures.

RESPONSE: Genlyte does not dispute paragraph 7.

8. The reading light function in all MulTMed products is provided by a single lamp in a fixture positioned one end of the product. The fixture and lamp are oriented parallel the end of the product. Typically, the product is installed with the end having the reading light fixture closest to the wall at the head of the patient bed.

RESPONSE: Genlyte disputes paragraph 8 to the extent that it implies that the fixture of the MulTmed products designated by ALS as the "reading" fixture is the only fixture of the MulTmed products that can perform the function of providing light to a reading area. (Declaration of Roy Crane ("Crane Dec."), attached hereto as Exhibit 1, ¶¶ 22). Genlyte does not dispute that the fixture of the MulTmed products designated by ALS as its "reading" fixture contains a single lamp parallel to the shorter end of the product. Further, Genlyte does not dispute that the MulTmed products are installed with

the fixture designated by ALS as its "reading" fixture closest to the wall at the head of the patient's bed.

9. The reading light fixture provides general undirected illumination to an area below the fixture. It provides a symmetrical light distribution. The greatest amount of light is emitted directly downward, with less light being emitted at angles moving towards the ceiling.

RESPONSE: Genlyte disputes paragraph 9. The light from the fixture of the MulTmed products designated by ALS as its "reading" fixture is not "general undirected illumination." The "reading" fixture does not produce any upwardly directed light, but is oriented to direct light downwardly to a reading area below the fixture. (Crane Dec., ¶¶ 15-16, 20). Further, the "reading" fixture does not direct the "greatest amount" of light "directly" downward. (Crane Dec., ¶ 22). In fact, there is more light directed between angles moving toward the ceiling (e.g., between 40 and 45 degrees) than emitted "directly" downward. (Crane Dec., ¶ 22). Moreover, the fixture of the MulTmed products designated by ALS as its "ambient" fixture likewise directs light downwardly to a reading area below the fixture. (Crane Dec., ¶ 21).

10. The ambient light function for all MulTMed products is provided by two lamps in a fixture positioned at an end of the product opposite the reading light fixture. The fixture is substantially square.

RESPONSE: Genlyte disputes paragraph 10 to the extent that it implies that the fixture of the MulTmed products designated by ALS as the "ambient" fixture is the only fixture of the MulTmed products that can perform the function of providing light to a broad area under the fixture. (Crane Dec., ¶ 22). Genlyte does not dispute that the

fixture of the MulTmed products designated by ALS as its "ambient" fixture contains two lamps, is substantially square and is positioned opposite what ALS designates as the "reading" fixture.

11. In the MulTMed 2x4 product, the two lamps in the ambient light fixture are parallel to each other and perpendicular to the ends of the product. In the MulTMed 2x2 product having an ambient light and an examination light, the ambient light lamps are positioned similarly to those in the MulTMed 2x4 product, parallel to the examination light lamps and separated from each other. In the MulTMed 2x2 product having a reading light and ambient light, the two lamps of the ambient light fixture are parallel to the reading light lamp and the ends of the product.

RESPONSE: Genlyte disputes paragraph 11 to the extent that it implies that the fixtures of the MulTmed products designated by ALS as "reading," "ambient," and "examination" can only perform the function of providing reading, ambient, and examination light, respectively, as designated by ALS. (Crane Dec., ¶ 22).

12. All of the ambient light fixtures, regardless of the directionality of the lamps, produce general undirected illumination to an area below the fixture. It provides a symmetrical light distribution. The greatest amount of light is emitted directly downward, with less light being emitted at angles moving towards the ceiling.

RESPONSE: Genlyte disputes paragraph 12. The light from the fixture of the MulTmed products designated by ALS as its "ambient" fixture is not "general undirected illumination." The "ambient" fixture does not produce any upwardly directed light, but does direct light downwardly to an area below the fixture and outwardly to a vertical wall at the head of a patient bed. (Crane Dec., ¶¶ 17-18, 21). Further, the "ambient" fixture

does not direct the "greatest amount" of light "directly" downward. Instead, the "ambient" fixture produces the highest intensity of light straight down. (Crane Dec., ¶ 22). Moreover, the fixture of the MulTmed products designated by ALS as its "reading" fixture likewise directs light downwardly to an area below the fixture and outwardly to a vertical wall at the head of a patient bed and none upwardly. (Crane Dec., ¶ 22).

13. The examination light function of the MulTMed 2x4 product is provided by two fixture [*sic*], each having two lamps, positioned along the sides of the product. The examination light function in the MulTMed 2x2 product also includes two fixtures, each having either one or two lamps, positioned along the sides of the product.

RESPONSE: Genlyte disputes paragraph 13 to the extent that it implies that the MulTmed product requires two fixtures to provide light to an examination area below the fixture. The fixture, or fixtures, of the MulTmed products designated by ALS as the "examination" fixture(s) each direct light downwardly to a patient examination area. (Exhibit B to Davis Declaration, attached as Exhibit 2 to Defendant's Statement of Undisputed Facts, ALS0305). Genlyte does not dispute that the fixture, or fixtures, of the MulTmed products designated by ALS as its "examination" fixture contains two lamps, positioned along the sides of the 2x4 product and either one or two lamps, positioned along the sides of the 2x2 product.

14. The examination light fixtures provide two crossed beams of asymmetric light. The two beams create a symmetric distribution under the fixtures for shadow free illumination of the patient bed.

RESPONSE: Genlyte disputes paragraph 14 insofar as it implies that the MulTmed product requires two fixtures to provide light to an examination area below the

fixture. The fixture, or fixtures, of the MulTmed products designated by ALS as the "examination" fixture(s) each direct light downwardly to a patient examination area. (Exhibit B to Davis Declaration, ALS0305).

15. Figs. 2, 3, and 4 below, from the Davis Declaration, illustrate photometric data for the reading light, ambient light and examination light, respectively, of a MulTMed 2x4 product. The MulTMed 2x2 products have the same fixtures and, thus, the same light distributions.

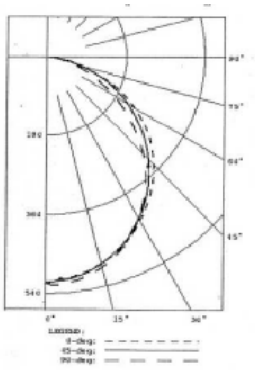

Figure 2

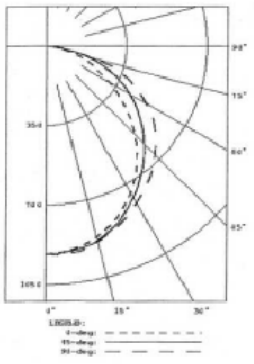

Figure 3

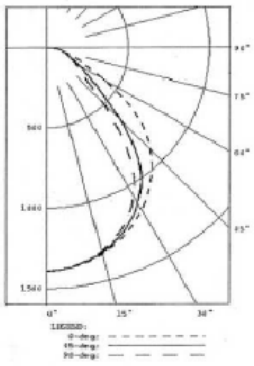

Figure 4

RESPONSE: Genlyte disputes paragraph 15. Genlyte disputes that all of the MulTmed 2x2 fixtures have the same distribution. The light distribution of the "ambient" fixture in the MulTmed 2x2, which have the lamps parallel to the ends of the product, have a distribution pattern similar to, but not the same as, Figure 2 above. Because such fixtures are rotated 90 degrees from the fixture providing the distribution in Figure 2, the distribution will likewise be rotated 90 degrees.

16. The photometric data shown in Figs. 1-4 represents the amount of light emitted from each fixture in various directions represented as graphs.

RESPONSE: Genlyte disputes paragraph 16. The photometric data shown in Figures 2-4 represent the intensity of light, not the "amount" of light, emitted in various directions. (Crane Dec., ¶ 22; Exhibits 3-5 to Crane Dec.).

17. Figure 2 shows the light distribution for the reading light. The amount of light is highest directly downward. The amount of light decreases as the angle towards the walls increases. The three directional data lines substantially overlap because light is distributed evenly throughout the room.

RESPONSE: Genlyte disputes paragraph 17. Figure 2 illustrates the intensity, not "amount", of light. (Crane Dec., ¶ 22; Exhibits 3 to Crane Dec.). Further, there is more light directed between angles moving toward the ceiling than emitted "directly" downward. (Crane Dec., ¶ 22). The "reading" fixture directs light downwardly to a reading area. (Crane Dec., ¶¶ 15-16, 20).

18. Figure 3 shows the light distribution for the ambient light. The amount of light from the ambient light is greater than that of the reading light at each location because there are two lamps in the fixture instead of one. However, the light distribution is essentially identical, i.e. it has the same shape. The highest level of light is directly downward. The amount of light decreases as the angle towards the walls increases. The three directional data lines substantially overlap because the light is distributed evenly throughout the room.

RESPONSE: Genlyte disputes paragraph 18. Figure 3 illustrates that the highest intensity, not "amount", of light. (Crane Dec., ¶ 22; Exhibits 4 to Crane Dec.). Further, there is more light directed between angles moving toward the ceiling than emitted "directly" downward. (Crane Dec., ¶ 22). Regardless, the "ambient" fixture directs more light downwardly and outwardly than upwardly to a vertical wall. (Crane Dec., ¶¶ 17-18, 21-22). Moreover, the light distribution is not "distributed evenly throughout the room"

because photometry is not performed on an installed fixture (i.e., in the ceiling, above the patient bed and adjacent the headwall). (Crane Dec., ¶ 19).

19. Figure 4 shows the light distribution for the examination light. This light has the highest illumination levels because it uses the most lamps. It also has the least spread towards the walls. Most of the light is directed downwardly.

RESPONSE: Genlyte disputes paragraph 19 insofar as it implies that the fixtures of the MulTmed products do not direct or aim light outwardly, but only allow light to "spread" towards the wall. The design and orientation of the fixtures are such that light from such fixtures is directed or aimed, not only downwardly, but also outwardly toward the wall. (Crane Dec., ¶¶ 20-22).

20. The distribution of light from the reading light fixture and ambient light fixture are virtually the same. The total amount of light from the ambient light fixture is greater than that of the reading light fixture because it has two lamps instead of one.

RESPONSE: Genlyte disputes paragraph 20 insofar as it states that the distribution of light from the "reading" and "ambient" fixtures are virtually the same. The distribution reported in the photometry reports are only one part of the necessary evaluation because photometry is not performed on an installed fixture. (i.e., in the ceiling, above the patient bed and adjacent the headwall). (Crane Dec., ¶ 19).

21. All of the fixtures in the MulTMed products aim light downward to a patient bed positioned under the product. None of the fixtures aims [*sic*] light towards the walls of the patient room.

RESPONSE: Genlyte disputes paragraph 21. Both of the fixtures of the MulTmed products designated by ALS as the "reading" and "ambient" fixtures direct or

aim light downwardly to an area below the fixture and outwardly to a vertical wall. (Crane Dec., ¶¶ 15-24). Further, Genlyte states that it is irrelevant whether either fixture aims light towards the walls of the patient room as stated in paragraph 21. All that is required by the "second light fixture" element of the '254 Patent, under this Court's construction, is that such fixture aim more light downwardly and outwardly than upwardly to a vertical wall. Neither of the fixtures designated by ALS as the "reading" or "ambient" fixture directs any light upwardly. (Crane Dec., ¶¶ 20-21). Moreover, by placing the MulTmed products in proximity to the headwall, as recommended by ALS, this orients the "ambient" fixture within the MulTmed to direct more light toward the vertical wall. (Crane Dec. ¶¶ 18, 23).

22. The photometric data represented in Figures 2-4 above were obtained by Genlyte Thomas in tests done in February 2005 to determine whether the MulTMed products infringed U.S. Patent No. 5,038,254 ("the '254 Patent").

RESPONSE: Genlyte does not dispute paragraph 22. Genlyte further states that the photometric data, along with the visual evaluation, confirms that the MulTmed products infringe the '254 Patent. At a minimum, the MulTmed products contain at least each and every element and limitation of claim 1 of the '254 Patent, as shown in the Expert Declaration of Thomas M. Lemons, attached hereto as Exhibit 2 ("Lemons Report"; pp. 10-11) and Crane Dec. (¶¶ 15-21).

23. In November 2004, Counsel for ALS informed counsel for Genlyte Thomas that the MulTMed products did not infringe the '254 Patent because they direct light downwards to the patient bed and no fixtures direct light to a wall.

RESPONSE: Genlyte does not dispute paragraph 23. However, Genlyte does dispute the conclusions reached by counsel for ALS. Indeed, the MulTmed products do contain fixtures which direct light to a wall. (Crane Dec., ¶¶ 17-18; Lemons Report, p. 10-11). Further, Genlyte responded to counsel for ALS' November 2004 communication setting forth Genlyte's reasons for concluding that the MulTmed products infringe the '254 Patent. (Letter from Robert Theuerkauf to Elliot Salter, dated 2/22/05, attached hereto as Exhibit 3).

ADDITIONAL FACTS ASSERTED BY GENLYTE REQUIRING THE DENIAL OF ALS' MOTION FOR SUMMARY JUDGMENT

24. ALS' MulTmed products are ceiling-mounted over a hospital patient bed with one end of the luminaire adjacent to a vertical wall surface (or headwall). (Davis Declaration, ¶ 4; Exhibit A to Davis Declaration);

25. The "reading" fixture of ALS' MulTmed products direct light downwardly to a selected reading area under the fixture. (Crane Dec., ¶¶ 15-16, 20; Lemons Report, pp. 10-11; Davis Declaration, ¶ 4);

26. The photometric report for ALS' MulTmed products provides that the "reading" fixture directs 770 lumens (56.2% of the total lumens) to the area between 0 degrees (i.e., straight down to the patient bed) and 45 degrees. (Lemons Report, p. 11; Exhibit F to Lemons Report (GT03568); Crane Dec., ¶ 20). This is the "downward" component of the "reading" fixture of the MulTmed products;

27. The photometric report for ALS' MulTmed products provides that the "reading" fixture directs 0 lumens (0% of the total lumens) above the fixture (i.e., in the area between 90 degrees and 180 degrees). This is the upward component of the

MulTmed products. (Lemons Report, p. 11; Exhibit F to Lemons Report; Crane Dec., ¶ 20);

28. More than half of the lumen output of the "reading" fixture of ALS' MulTmed products is directed to the area between 0 degrees (i.e., straight down to the patient bed) and 45 degrees. In other words, more than half of the total lumen output of the "reading" fixture is directed downwardly to an area that includes a selected reading area. (Lemons Report, p. 11);

29. The "ambient" fixture of ALS' MulTmed products direct light downwardly and outwardly to a vertical wall. (Crane Dec., ¶¶ 17-18, 21; Lemons Report, pp. 11; Exhibit A to Davis Declaration);

30. The photometric report for ALS' MulTmed products provides that the "ambient" fixture directs 2620 lumens (100% of the total lumens) to the area between 0 degrees (i.e., straight down to the patient bed) and 90 degrees (i.e., along the ceiling or horizontal) and 0 lumens (0% of the total lumens) above the fixture (i.e., in the area between 90 degrees and 180 degrees). (Lemons Report, p. 11; Exhibit G to Lemons Report (GT03561); Crane Dec., ¶ 21). In other words, all of the light from the "ambient" fixture is directed either downwardly or outwardly, and none of the light is directed upwardly;

31. Therefore, the "ambient" fixture of the ALS' MulTmed products are set or arranged to direct more light downwardly and outwardly than upwardly to a vertical wall. (Lemons Report, p. 11; Crane Dec., ¶¶ 17-18, 20, 23-24).

Respectfully submitted,

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Certificate of Service

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 18th day of May, 2006.

/s/ John L. Capone
Counsel for Plaintiff, Genlyte Thomas Group LLC

EXHIBIT 1
TO
GENLYTE THOMAS GROUP LLC'S RESPONSE TO DEFENDANT'S STATEMENT OF UNDISPUTED FACTS AND COUNTERSTATEMENT OF FACTS

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENLYTE THOMAS GROUP LLC,
a Delaware Limited Liability Company

Plaintiff,

v.

ARCHITECTURAL LIGHTING SYSTEMS, a division of ARCH LIGHTING GROUP, a Rhode Island Corporation

Defendant.

Civil Action No. 05-CV-10945 WJY

DECLARATION OF ROY CRANE

I, Roy Crane, hereby declare as follows:

1. I am the Director of Engineering for Lightolier, a division of the Plaintiff, Genlyte Thomas Group LLC ("Genlyte"). I make this declaration in support of Genlyte's Opposition to the Defendant, Arch Lighting Group, Inc.'s ("ALS"), Motion for Summary Judgment;

2. I have been the Director of Engineering for over 25 years and have been in the lighting industry for approximately 40 years. As Director of Engineering, I oversee and manage luminaire product design and development;

3. Additionally, I have been personally involved for over 40 years in the design and development of luminaires and am a co-inventor of the inventions taught in U.S. Patent No. 5,038,254 ("the '254 Patent"). William Fabbri, Vice-president of Lightolier, is the other inventor of the '254 Patent;

4. Patient care lighting requires lighting for multiple purposes. The two most basic are the reading lighting task and general ambient lighting;

5. The reading function is fairly easy to describe as simply providing light to an area in which the patient may read;

6. The ambient lighting function is slightly more complex in that you are providing light to a broad area or vicinity around, and including, the patient bed. The area around the patient bed includes the headwall. A dark headwall in this situation would be a poor lighting practice because it would produce a cave-like feeling in that a dark headwall would produce a feeling that the space is under lighted;

7. Prior to the '254 Patent, muti-function patient care luminaires were mounted on the wall at the head of a patient bed. During a hospital stay, Mr. Fabbri observed that such wall mounted luminaires had several disadvantages. For example, the wall mounted luminaires became "shelves," collecting clutter and dust. Moreover, wall mounted luminaires would often interfere with medical equipment near the head of the patient bed. Realizing the many disadvantages of the wall mounted patient care luminaires, Mr. Fabbri and I invented a ceiling-mounted, multi-function patient care luminaire, which is the subject matter of the '254 Patent. It should be noted that persons skilled in the art use the term "luminaire" interchangeably with "fixture." In the context of the '254 Patent and ALS' MulTmed products, the luminaire contains multiple fixtures;

8. The commercial embodiment of the '254 Patent introduced by Genlyte was the first ceiling-mounted, multi-function patient care luminaire introduced, which created a new market;

9. Claim 1 of the '254 Patent claims the simplest form of what the '254 Patent teaches. It is my understanding that the "first light fixture" or "reading" light and the "second

light fixture" or "ambient" light elements of the claims are the only claim elements in dispute in ALS' motion for summary judgment;

10. The "first light fixture" element simply claims a fixture which sends light in a downward direction to a reading area;

11. The "second light fixture" element is only slightly more complex. "Ambient" lighting of the patient bed area includes not only a downward component but additionally an outward component to light the headwall, which provides reflected light generally under the luminaire. Persons skilled in the art recognize that reflected light is more comfortable to the eyes than direct light. As mentioned above, a dark headwall would create a poor lighting condition;

12. Claim 1, in addition to its other elements, claims "a second light fixture within said body oriented to direct light downwardly and outwardly to a vertical wall surface outwardly adjacent from said body whereby light is reflected back to a broad area under said body." The downward light component provides light below the fixture to the area of the patient and bed. The outward light component provides light toward the headwall, assuring illumination of the headwall so that the space appears well lighted (i.e., to eliminate the cave-effect) and also to provide additional reflected light back into the room;

13. ALS in its motion for summary judgment is attempting to shift the focus from what the '254 Patent teaches and claims to an argument over how much light goes straight down versus how much light goes to the wall. This has nothing to do with what Mr. Fabbri and I taught, and claimed as our invention, in the '254 Patent;

14. Prior to the initiation of this lawsuit, Genlyte became aware of ALS' ceiling-mounted, multi-function patient care luminaires. Genlyte obtained a sample of ALS' 2x4

version and it was installed it in a patient room setting to observe how it performed and to determine whether such fixture met all of the elements of at least claim 1 of the '254 Patent;

15. As was observed and photographed (the photographs being the same ones submitted by Genlyte's expert, Thomas Lemons), the "reading" fixture of ALS' product, when illuminated, directed light downwardly to a reading area of the patient bed;

16. As further confirmed by ALS' own product literature, including ALS' own photographs, the "reading" fixture meets the "first light fixture" element of claim 1 of the '254 Patent. As shown on ALS Disc 0023 (attached as Exhibit 1), a man is seen sitting up on a patient bed directly below ALS' product. The "reading" fixture of the ALS product is on and the man's book is illuminated. This illumination of the reading area occurs because of the light being directed downwardly from the "reading" fixture. Further, the "first light fixture" element of the claims does not limit light from going to areas other than the reading area. It should be noted that this photograph is the same photograph that is part of ALS' product brochure at ALS0301 submitted with the Declaration of Scott Davis;

17. As was observed and photographed, the "ambient" fixture of ALS' product, when illuminated, directed light downwardly and also outwardly to a vertical headwall, which reflected light back to and illuminated a broad area under the fixture. Due to the reflectivity of the headwall part of the illumination of the broad area under the fixture is from light being reflected off of the headwall;

18. As further confirmed by ALS' own product literature, including ALS' own photographs, the "ambient" fixture meets the "second light fixture" element of claim 1 of the '254 Patent. As shown on ALS Disc 0019 (attached as Exhibit 2), a man is seen on a patient bed directly below ALS' product. The "ambient" fixture of ALS' product is on and the broad area

around, and including, the patient bed is illuminated. As can be seen, even the lady sitting next to the patient bed, and the wall behind her, are illuminated. Also, as can be seen, the vertical wall, or headwall, at the head of the patient bed is illuminated. This illumination of the broad area occurs because the luminaire is placed close to the headwall and the fact that light is being directed downwardly and outwardly from the "ambient" fixture. Further, the illumination of the headwall occurs because of light being directed outwardly from the "ambient" fixture. It should be noted that this photograph is the same photograph that is part of ALS' product brochure at ALS0301 submitted with the Declaration of Scott Davis;

19. In addition to observing the ALS product, photometric tests were performed on the ALS product under my direction at the testing lab at Genlyte at the request and direction of Genlyte's expert, Thomas Lemons. These tests for the "reading," "ambient" and "exam" fixtures (attached as Exhibits 3, 4 and 5, respectively) confirm my previous statements above. The photometric report data while it shows the performance of the fixture it does not include the reflective surfaces of the room (i.e., photometry is not performed on a luminaire mounted in the ceiling above a patient bed and adjacent to the headwall). Therefore, photometry is only a piece of what is needed to evaluate the performance of the installed fixture.

20. The "reading" photometric data confirms (Exhibit 3, p. 1 and 3: Zonal Lumen Summary) that there are 770 lumens in the area between 0 degrees (straight down) and 45 degrees. This confirms that light is being directed downwardly from the "reading" fixture. Moreover, the "reading" photometry report also shows that light is being directed outwardly from the fixture. There are 600 lumens in the area between 45 degrees and 90 degrees (horizontal or along the ceiling). Finally, the "reading" fixture does not emit any light upwardly or above the fixture (in the area between 90 degrees and 180 degrees).

21. Further, the "ambient" photometric data confirms (Exhibit 4, p. 1 and 3: Zonal Lumen Summary) that all of the light (2620 lumens) is emitted in the area between 0 degrees (straight down) and 90 degrees (horizontal or along the ceiling) and that there is no light emitted upwardly or above the fixture (in the area between 90 degrees and 180 degrees). This confirms that light is being directed downwardly and outwardly from the fixture toward the vertical wall adjacent the luminaire.

22. It is my understanding that ALS has taken the position that because the distribution patterns of its "reading" and "ambient" fixtures are similar and that since the photometric reports show the highest intensity of light straight down, that neither the "reading" or "ambient" fixture of the ALS product meets the requirements of the "second light fixture" element of the '254 Patent. ALS' assertion is not true. First, the photometric data confirms that the "reading" fixture directs light downwardly. Second, although the "highest intensity" of light from the "ambient" and "reading" fixtures may be straight down this does not mean that the greatest "amount" of light is likewise straight down. In fact, the photometric data shows for the "ambient" fixture that there is more light (236 lumens) in the area between 40 degrees and 45 degrees, for example, than there is light (22 lumens) in the area between 0 degrees (straight down) and 5 degrees. (Exhibit 4, p. 3: Zonal Lumen Summary). Similarly, the photometric data shows for the "reading" fixture that there is more light (128 lumens) in the area between 40 degrees and 45 degrees, for example, than there is light (12 lumens) in the area between 0 degrees (straight down) and 5 degrees. (Exhibit 3, p. 3: Zonal Lumen Summary). Consequently, the photometric data confirms that both the "reading" and "ambient" fixtures direct light downwardly and outwardly to a vertical wall regardless of the direction of "highest intensity." Moreover, the fact that the "reading" fixture directs light downwardly and outwardly is of no

consequence when comparing the "reading" fixture to the "first light fixture" of the claims of the '254 Patent. All the "first light fixture" element requires is that light be directed downwardly to the reading area. As shown above, and as seen in ALS' own product literature, ALS' "reading" fixture meets this requirement;

23. I further understand that ALS has taken the position that the highest intensity of light from the "reading" and "ambient" fixtures of the ALS product is straight down and, therefore, neither fixture "aims" its light downwardly and outwardly to the headwall. ALS' statement is false for several reasons. First, ALS' position assumes that "downwardly and outwardly" is a single direction toward the headwall. As stated above in paragraphs 11 and 12, this is not what the '254 Patent teaches or claims. Second, the '254 Patent does not require the "highest intensity" of light to be directed in any certain direction. Such a position by ALS ignores the basic teachings of the '254 Patent. Third, when the ALS product is installed as instructed by ALS, it is mounted in a ceiling and adjacent the headwall. In doing so, this ensures that the "ambient" fixture is aimed so that light will both travel downward from the fixture and outward to strike the adjacent wall to produce reflected light that accomplishes the same result stated for the "second light fixture" of claim 1 and/or 3 of the '254 Patent;

24. Finally, I understand that the Court has instructed that the "second light fixture" element means that the "second light fixture" is "set or arranged to aim more light in a downward and outward direction than in an upward direction" to a vertical wall. The "ambient" fixture of the ALS product likewise meets the Court's meaning of the "second light fixture" element. As can be seen from ALS product literature and, as confirmed by the photometric report summarized above, the "ambient" fixture does not direct any light upward. Therefore,

more light from the "ambient" fixture is aimed downwardly and outwardly than upwardly to a vertical wall.

I declare under penalty of perjury that the foregoing it true and correct. Executed this 15th day of November, 2006.

Roy Crane

EXHIBIT 1
TO DECLARATION
OF ROY CRANE


ALS Disc 0023

EXHIBIT 2
TO DECLARATION
OF ROY CRANE


ALS Disc 0019

EXHIBIT 3
TO DECLARATION
OF ROY CRANE

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REPORT NUMBER: G2005043 DATE: 02-11-2005
CATALOG NUMBER: MT2-MEDI-READING-1/39W
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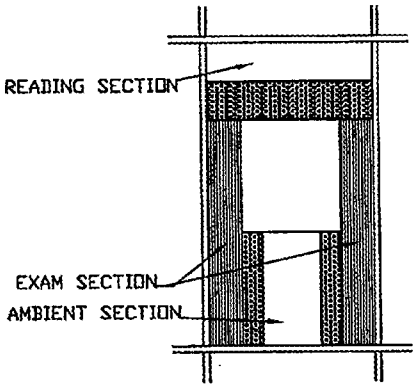
LUMINAIRE: ARCHITECTURAL LIGHTING SYSTEMS MEDI LIGHT/READING PORTION
BALLAST: SAGE LIGHTING-NXU240RS
32.0 WATTS
REPORT IS BASED ON 2900 LUMENS PER LAMP.

CANDELA DISTRIBUTION

	0.0	22.5	45.0	67.5	90.0	FLUX
0	516	516	516	516	516	
5	508	509	510	515	518	49
15	487	488	488	493	496	138
25	452	452	449	450	453	208
35	404	401	395	388	390	248
45	345	341	329	314	312	253
55	274	269	253	229	219	223
65	183	180	168	139	128	159
75	81	77	76	63	55	76
85	19	18	14	10	9	16
90	1	1	1	1	1	



ZONAL LUMEN SUMMARY

ZONE	LUMENS	%LAMP	%FIXT
0- 30	395	13.6	28.8
0- 40	643	22.2	46.9
0- 60	1119	38.6	81.7
0- 90	1370	47.2	100.0
90-180	0	0.0	0.0
0-180	1370	47.2	100.0

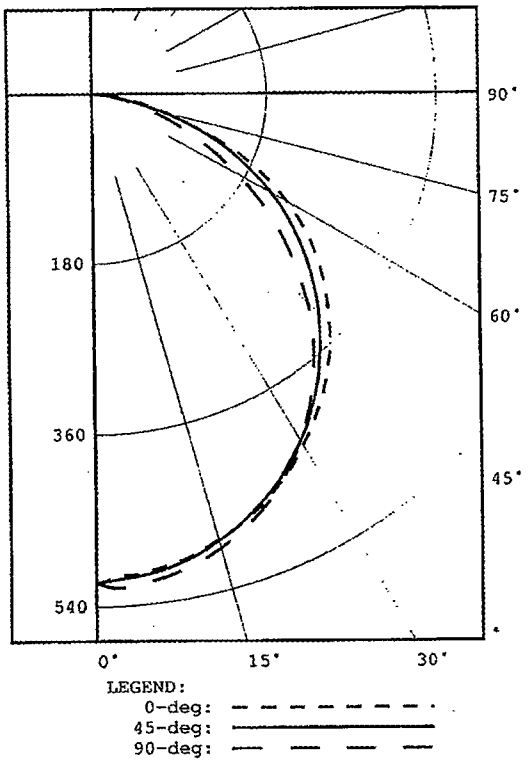
TOTAL LUMINAIRE EFFICIENCY = 47.2 %

CIE TYPE - DIRECT

PLANE	: 0-DEG	90-DEG
SPACING CRITERIA	: 1.2	1.2
SHIELDING ANGLES	: 90	90
PLANE	: 0-DEG	90-DEG
LUMINOUS LENGTH	:10.200	22.920

LUMINANCE DATA IN CANDELA/SQ METER

ANGLE IN DEG	AVERAGE 0-DEG	AVERAGE 45-DEG	AVERAGE 90-DEG
45	3234.	3084.	2924.
55	3166.	2923.	2531.
65	2870.	2635.	2007.
75	2074.	1946.	1408.
85	1445.	1065.	684.



GT 03566

Checked .....
Approved .....

GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005043 DATE: 02-11-2005
CATALOG NUMBER: MT2-MEDI-READING-1/39W

CANDELA DISTRIBUTION

	0.0	22.5	45.0	67.5	90.0
0.0	516	516	516	516	516
2.5	509	510	512	519	521
5.0	508	509	510	515	518
7.5	504	506	507	510	515
10.0	500	502	502	506	510
12.5	494	495	496	500	504
15.0	487	488	488	493	496
17.5	480	481	480	484	487
20.0	472	472	470	474	477
22.5	463	462	460	462	466
25.0	452	452	449	450	453
27.5	442	440	436	436	439
30.0	429	428	424	421	424
32.5	417	415	410	405	407
35.0	404	401	395	388	390
37.5	391	388	380	371	372
40.0	376	372	363	353	353
42.5	362	358	346	333	334
45.0	345	341	329	314	312
47.5	328	324	311	294	289
50.0	312	306	292	272	266
52.5	293	288	273	251	243
55.0	274	269	253	229	219
57.5	253	248	233	206	196
60.0	231	226	212	183	172
62.5	208	204	190	161	149
65.0	183	180	168	139	128
67.5	157	156	147	119	108
70.0	127	128	124	100	89
72.5	99	98	101	81	71
75.0	81	77	76	63	55
77.5	63	60	52	45	41
80.0	47	44	37	30	29
82.5	32	30	24	18	18
85.0	19	18	14	10	9
87.5	7	6	5	4	3
90.0	1	1	1	1	1

GT 03567

GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005043 DATE: 02-11-2005
CATALOG NUMBER: MT2-MEDI-READING-1/39W

ZONAL LUMEN SUMMARY

0- 5	12.
5- 10	36.
10- 15	59.
15- 20	79.
20- 25	97.
25- 30	111.
30- 35	121.
35- 40	127.
40- 45	128.
45- 50	125.
50- 55	117.
55- 60	105.
60- 65	89.
65- 70	70.
70- 75	48.
75- 80	28.
80- 85	13.
85- 90	3.

GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005043 DATE: 02-11-2005

CATALOG NUMBER: MT2-MEDI-READING-1/39W

COEFFICIENTS OF UTILIZATION - ZONAL CAVITY METHOD

EFFECTIVE FLOOR CAVITY REFLECTANCE 0.20

RC	80				70				50			30			10			0
RW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	50	30	10	0
0	56	56	56	56	55	55	55	55	52	52	52	50	50	50	48	48	48	47
1	52	49	48	46	50	48	47	45	46	45	44	45	43	42	43	42	41	40
2	47	43	40	38	46	42	40	37	41	38	36	39	37	35	38	36	35	34
3	43	38	34	31	42	37	34	31	36	33	31	35	32	30	34	31	30	29
4	39	34	30	27	38	33	29	27	32	29	26	31	28	26	30	27	25	24
5	36	30	26	23	35	30	26	23	29	25	23	28	25	22	27	24	22	21
6	34	27	23	20	33	27	23	20	26	22	20	25	22	20	24	22	20	19
7	31	25	21	18	30	24	21	18	24	20	18	23	20	17	22	20	17	16
8	29	23	19	16	28	22	18	16	22	18	16	21	18	16	21	18	16	15
9	27	21	17	14	26	20	17	14	20	17	14	19	16	14	19	16	14	13
10	25	19	15	13	25	19	15	13	18	15	13	18	15	13	18	15	13	12

ALL CANDELA, LUMENS, LUMINANCE, COEFFICIENT OF UTILIZATION AND VCP VALUES IN THIS REPORT ARE BASED ON RELATIVE PHOTOMETRY WHICH ASSUMES A BALLAST FACTOR OF 1.000. ANY CALCULATIONS PREPARED FROM THESE DATA SHOULD INCLUDE AN APPROPRIATE BALLAST FACTOR.

GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005043
CATALOG NUMBER: MT2-MEDI-READING-1/39W

DATE: 02-11-2005

VISUAL COMFORT PROBABILITY TABLE

RATED LUMENS PER LAMP 2900.

100. FC. REFLECTANCES 80/50/20

ROOM W	ROOM L	LUMINAIRES 0 DEG PLANE 8.5	10.0	13.0	16.0	LUMINAIRES 90 DEG PLANE 8.5	10.0	13.0	16.0
20	20	57	61	72	83	62	67	76	85
20	30	53	55	59	69	60	62	67	74
20	40	51	53	55	60	60	60	63	68
20	60	50	52	52	56	60	61	62	64
30	20	59	63	71	81	63	66	73	82
30	30	55	56	58	67	60	61	64	71
30	40	53	53	54	58	60	59	60	64
30	60	51	52	51	54	60	59	59	61
30	80	51	51	50	52	61	61	59	60
40	20	62	65	71	80	65	68	73	81
40	30	57	58	59	66	62	62	63	70
40	40	55	55	54	58	61	60	60	63
40	60	53	53	51	53	61	60	58	59
40	80	53	52	50	51	62	61	58	59
40	100	53	52	49	50	63	62	59	59
60	30	60	61	61	67	63	64	64	69
60	40	57	57	55	58	62	61	60	62
60	60	55	54	52	53	62	61	58	58
60	80	54	53	50	51	63	61	58	58
60	100	54	53	50	50	64	62	58	58
100	40	62	62	60	62	66	65	62	64
100	60	60	59	55	56	65	63	60	60
100	80	58	57	53	54	65	63	59	59
100	100	58	56	52	52	66	64	60	58

GT 03570

EXHIBIT 4
TO DECLARATION
OF ROY CRANE

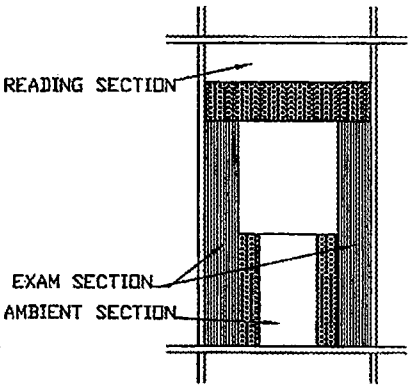
GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005044 DATE: 02-14-2005
CATALOG NUMBER: MT2-39W MEDI-AMBIENT
LAMP: SYLVANIA FT36DL/835
LUMINAIRE: ARCHITECTURAL LIGHTING SYSTEMS MEDI-LIGHT
BALLAST: SAGE NXU240RS
61.0 WATTS
REPORT IS BASED ON 2900 LUMENS PER LAMP.

CANDELA DISTRIBUTION

	0.0	22.5	45.0	67.5	90.0	FLUX
0	913	913	913	913	913	
5	906	907	909	911	915	87
15	867	870	883	885	888	248
25	792	804	812	822	830	375
35	685	696	717	744	757	451
45	548	564	608	652	671	470
55	393	421	486	547	570	432
65	243	275	351	410	433	340
75	121	139	188	219	223	185
85	19	21	27	35	37	32
90	0	0	0	0	0	



ZONAL LUMEN SUMMARY

ZONE	LUMENS	%LAMP	%FIXT
0- 30	710	12.2	27.1
0- 40	1160	20.0	44.3
0- 60	2063	35.6	78.7
0- 90	2620	45.2	100.0
90-180	0	0.0	0.0
0-180	2620	45.2	100.0

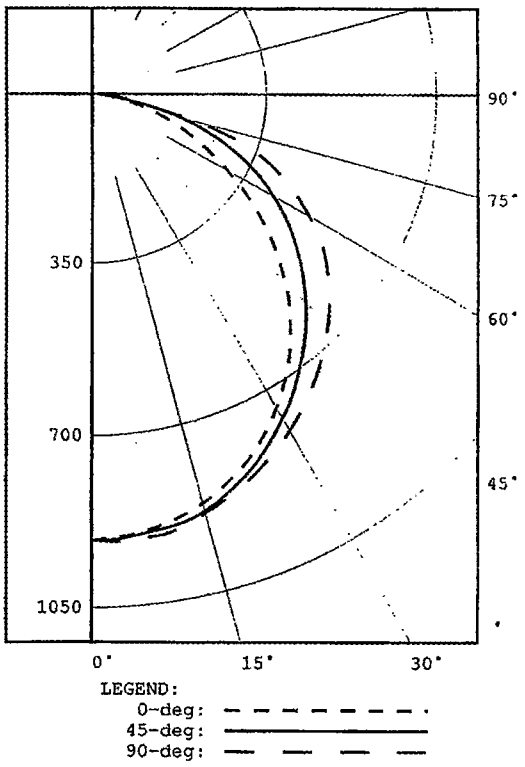
TOTAL LUMINAIRE EFFICIENCY = 45.2 %

CIE TYPE - DIRECT

PLANE	: 0-DEG	90-DEG
SPACING CRITERIA	: 1.2	1.3
SHIELDING ANGLES	: 90	90
PLANE	: 0-DEG	90-DEG
LUMINOUS LENGTH	:22.920	17.400

LUMINANCE DATA IN CANDELA/SQ METER

ANGLE IN DEG	AVERAGE 0-DEG	AVERAGE 45-DEG	AVERAGE 90-DEG
45	3011.	3341.	3687.
55	2662.	3292.	3861.
65	2234.	3227.	3981.
75	1816.	2822.	3347.
85	847.	1204.	1649.



GT 03561

Checked .....
Approved .....

GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005044 DATE: 02-14-2005
CATALOG NUMBER: MT2-39W MEDI-AMBIENT

CANDELA DISTRIBUTION

	0.0	22.5	45.0	67.5	90.0
0.0	913	913	913	913	913
2.5	909	911	913	914	917
5.0	906	907	909	911	915
7.5	899	901	904	909	914
10.0	891	893	900	907	911
12.5	880	883	894	898	900
15.0	867	870	883	885	888
17.5	851	856	868	872	875
20.0	833	841	851	856	862
22.5	814	824	833	840	846
25.0	792	804	812	822	830
27.5	768	780	790	805	813
30.0	742	754	766	785	795
32.5	714	727	743	765	777
35.0	685	696	717	744	757
37.5	653	666	691	722	737
40.0	619	633	665	699	716
42.5	585	600	637	676	694
45.0	548	564	608	652	671
47.5	510	529	579	627	648
50.0	473	493	549	601	623
52.5	432	457	517	574	597
55.0	393	421	486	547	570
57.5	354	385	454	516	538
60.0	315	348	421	483	504
62.5	279	310	388	447	470
65.0	243	275	351	410	433
67.5	212	241	313	372	395
70.0	180	207	273	330	350
72.5	150	173	232	280	295
75.0	121	139	188	219	223
77.5	90	104	137	143	139
80.0	61	70	84	89	93
82.5	37	41	47	59	64
85.0	19	21	27	35	37
87.5	7	8	9	10	11
90.0	0	0	0	0	0

GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005044 DATE: 02-14-2005
CATALOG NUMBER: MT2-39W MEDI-AMBIENT

ZONAL LUMEN SUMMARY

0- 5	22.
5- 10	65.
10- 15	106.
15- 20	143.
20- 25	174.
25- 30	200.
30- 35	219.
35- 40	231.
40- 45	236.
45- 50	234.
50- 55	224.
55- 60	208.
60- 65	185.
65- 70	156.
70- 75	119.
75- 80	67.
80- 85	27.
85- 90	5.

GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005044 DATE: 02-14-2005

CATALOG NUMBER: MT2-39W MEDI-AMBIENT

COEFFICIENTS OF UTILIZATION - ZONAL CAVITY METHOD

EFFECTIVE FLOOR CAVITY REFLECTANCE 0.20

RC	80				70				50			30			10			0
RW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	50	30	10	0
0	54	54	54	54	53	53	53	53	50	50	50	48	48	48	46	46	46	45
1	49	47	45	43	48	46	44	43	44	43	41	42	41	40	41	40	39	38
2	45	41	38	35	43	40	37	35	38	36	34	37	35	33	36	34	32	31
3	41	36	32	29	40	35	32	29	34	31	28	33	30	28	31	29	27	26
4	37	32	28	25	36	31	27	24	30	27	24	29	26	24	28	26	23	23
5	34	28	24	21	33	28	24	21	27	23	21	26	23	21	25	22	20	19
6	32	25	21	18	31	25	21	18	24	21	18	23	20	18	23	20	18	17
7	29	23	19	16	28	23	19	16	22	19	16	21	18	16	21	18	16	15
8	27	21	17	15	26	21	17	14	20	17	14	20	17	14	19	16	14	13
9	25	19	16	13	25	19	15	13	19	15	13	18	15	13	18	15	13	12
10	24	18	14	12	23	18	14	12	17	14	12	17	14	12	16	14	12	11

ALL CANDELA, LUMENS, LUMINANCE, COEFFICIENT OF UTILIZATION AND VCP VALUES IN THIS REPORT ARE BASED ON RELATIVE PHOTOMETRY WHICH ASSUMES A BALLAST FACTOR OF 1.000. ANY CALCULATIONS PREPARED FROM THESE DATA SHOULD INCLUDE AN APPROPRIATE BALLAST FACTOR.

GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005044
DATE: 02-14-2005
CATALOG NUMBER: MT2-39W MEDI-AMBIENT

VISUAL COMFORT PROBABILITY TABLE

RATED LUMENS PER LAMP 2900.

100. FC. REFLECTANCES 80/50/20

ROOM		LUMINAIRES 0 DEG PLANE				LUMINAIRES 90 DEG PLANE			
W	L	8.5	10.0	13.0	16.0	8.5	10.0	13.0	16.0
20	20	57	64	75	85	47	54	68	81
20	30	54	57	64	73	44	45	52	64
20	40	54	55	59	65	43	43	45	52
20	60	55	56	57	61	43	43	43	46
30	20	56	62	71	82	50	56	66	79
30	30	53	55	60	69	46	46	51	62
30	40	53	53	56	61	45	44	44	50
30	60	53	53	53	57	44	44	42	44
30	80	55	55	53	56	45	44	42	44
40	20	58	62	70	79	53	59	67	78
40	30	55	55	59	67	49	49	52	62
40	40	54	54	54	59	48	47	45	50
40	60	54	53	52	55	47	45	42	44
40	80	56	54	52	54	47	46	42	43
40	100	57	55	53	54	48	46	42	43
60	30	57	57	58	66	52	52	53	62
60	40	56	55	53	58	50	49	46	50
60	60	56	54	51	53	49	47	43	44
60	80	57	55	51	52	49	47	43	43
60	100	58	56	52	52	49	47	43	43
100	40	60	59	56	59	56	54	50	54
100	60	59	57	53	54	54	52	47	47
100	80	60	58	53	52	53	51	46	46
100	100	61	58	53	52	54	51	46	45

GT 03565

EXHIBIT 5
TO DECLARATION
OF ROY CRANE

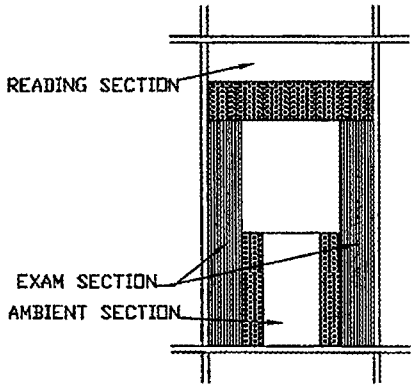
GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005045 DATE: 02-14-2005
CATALOG NUMBER: MT2 39W MEDI-EXAM
LAMP: SYLVANIA FT36DL/835
LUMINAIRE: ACHITECTURAL LIGHTING SYSTEMS 39W MEDI-LIGHT/EXAM PORTION
BALLAST: SAGE NXU240RS
61.0 WATTS
REPORT IS BASED ON 2900 LUMENS PER LAMP.

CANDELA DISTRIBUTION

	0.0	22.5	45.0	67.5	90.0	FLUX
0	1393	1393	1393	1393	1393	
5	1381	1380	1383	1383	1383	131
15	1330	1325	1320	1313	1310	372
25	1232	1221	1203	1181	1172	554
35	1091	1064	1014	946	922	627
45	899	823	634	517	480	514
55	603	458	312	253	244	326
65	259	223	167	159	161	192
75	115	102	106	119	130	119
85	20	30	27	27	26	32
90	0	0	0	0	0	



ZONAL LUMEN SUMMARY

ZONE	LUMENS	%LAMP	%FIXT
0- 30	1057	18.2	36.9
0- 40	1684	29.0	58.8
0- 60	2524	43.5	88.1
0- 90	2866	49.4	100.0
90-180	0	0.0	0.0
0-180	2866	49.4	100.0

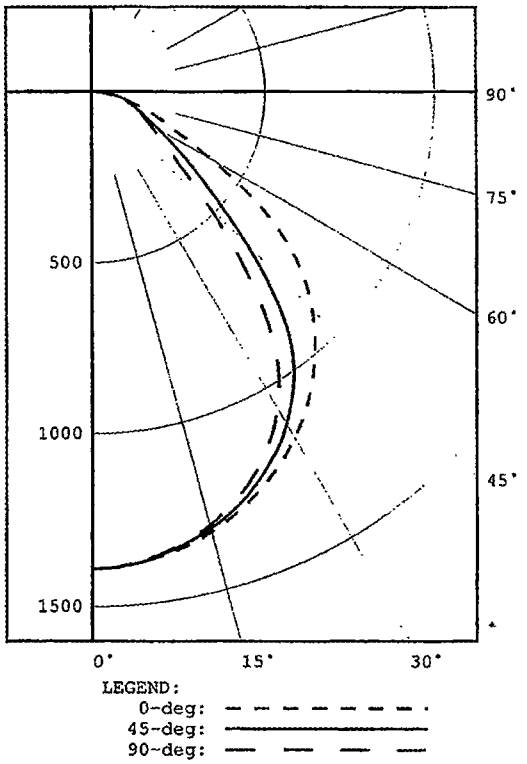
TOTAL LUMINAIRE EFFICIENCY = 49.4 %

CIE TYPE - DIRECT

PLANE	: 0-DEG	90-DEG
SPACING CRITERIA	: 1.2	1.2
SHIELDING ANGLES	: 90	90
PLANE	: 0-DEG	90-DEG
LUMINOUS LENGTH	:36.000	3.240

LUMINANCE DATA IN CANDELA/SQ METER

ANGLE IN DEG	AVERAGE 0-DEG	AVERAGE 45-DEG	AVERAGE 90-DEG
45	16889.	11911.	9017.
55	13965.	7226.	5651.
65	8141.	5249.	5061.
75	5902.	5440.	6672.
85	3048.	4115.	3963.



GT 03556

Checked .....
Approved .....

GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005045 DATE: 02-14-2005
CATALOG NUMBER: MT2 39W MEDI-EXAM

CANDELA DISTRIBUTION

	0.0	22.5	45.0	67.5	90.0
0.0	1393	1393	1393	1393	1393
2.5	1387	1387	1389	1390	1391
5.0	1381	1380	1383	1383	1383
7.5	1373	1371	1371	1369	1368
10.0	1362	1359	1356	1353	1352
12.5	1348	1345	1339	1335	1333
15.0	1330	1325	1320	1313	1310
17.5	1309	1303	1297	1286	1283
20.0	1286	1278	1270	1255	1251
22.5	1260	1251	1238	1220	1214
25.0	1232	1221	1203	1181	1172
27.5	1201	1186	1166	1134	1125
30.0	1167	1150	1120	1083	1068
32.5	1131	1108	1070	1023	1003
35.0	1091	1064	1014	946	922
37.5	1048	1014	946	854	819
40.0	1001	957	858	739	703
42.5	952	896	750	623	588
45.0	899	823	634	517	480
47.5	840	737	525	422	392
50.0	774	641	438	350	325
52.5	694	542	369	294	278
55.0	603	458	312	253	244
57.5	499	383	264	223	216
60.0	398	320	224	197	193
62.5	317	268	192	176	174
65.0	259	223	167	159	161
67.5	217	188	147	148	154
70.0	181	156	131	140	150
72.5	147	127	117	132	142
75.0	115	102	106	119	130
77.5	85	82	93	104	113
80.0	59	65	75	84	90
82.5	37	48	52	58	62
85.0	20	30	27	27	26
87.5	7	8	6	5	5
90.0	0	0	0	0	0

GT 03557

GT TESTING LABORATORY

45 Industrial Way
Wilmington, MA 01887
(978) 657-7600

REPORT NUMBER: G2005045 DATE: 02-14-2005
CATALOG NUMBER: MT2 39W MEDI-EXAM

ZONAL LUMEN SUMMARY

0- 5	33.
5- 10	98.
10- 15	159.
15- 20	214.
20- 25	259.
25- 30	294.
30- 35	314.
35- 40	313.
40- 45	281.
45- 50	232.
50- 55	184.
55- 60	142.
60- 65	107.
65- 70	85.
70- 75	68.
75- 80	51.
80- 85	28.
85- 90	3.

GT TESTING LABORATORY

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COEFFICIENTS OF UTILIZATION - ZONAL CAVITY METHOD

EFFECTIVE FLOOR CAVITY REFLECTANCE 0.20

RC	80				70				50			30			10			0
RW	70	50	30	10	70	50	30	10	50	30	10	50	30	10	50	30	10	0
0	59	59	59	59	57	57	57	57	55	55	55	53	53	53	50	50	50	49
1	55	53	51	49	53	51	50	48	49	48	47	47	46	45	46	45	44	43
2	50	47	44	41	49	46	43	41	44	42	40	43	41	39	41	40	38	37
3	46	42	38	36	45	41	38	35	40	37	35	38	36	34	37	35	33	32
4	43	38	34	31	42	37	34	31	36	33	30	35	32	30	34	31	30	29
5	40	34	30	27	39	34	30	27	33	29	27	32	29	27	31	28	26	25
6	37	31	27	24	36	31	27	24	30	26	24	29	26	24	28	26	24	23
7	35	28	25	22	34	28	24	22	27	24	22	27	24	21	26	23	21	20
8	32	26	22	20	32	26	22	20	25	22	19	25	22	19	24	21	19	18
9	30	24	20	18	30	24	20	18	23	20	18	23	20	18	22	20	18	17
10	29	22	19	16	28	22	19	16	22	18	16	21	18	16	21	18	16	15

ALL CANDELA, LUMENS, LUMINANCE, COEFFICIENT OF UTILIZATION AND VCP VALUES IN THIS REPORT ARE BASED ON RELATIVE PHOTOMETRY WHICH ASSUMES A BALLAST FACTOR OF 1.000. ANY CALCULATIONS PREPARED FROM THESE DATA SHOULD INCLUDE AN APPROPRIATE BALLAST FACTOR.

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VISUAL COMFORT PROBABILITY TABLE

RATED LUMENS PER LAMP 2900.

100. FC. REFLECTANCES 80/50/20

ROOM W	ROOM L	LUMINAIRES 0 DEG PLANE 8.5	10.0	13.0	16.0	LUMINAIRES 90 DEG PLANE 8.5	10.0	13.0	16.0
20	20	35	37	41	46	40	48	59	63
20	30	30	31	33	36	30	36	46	53
20	40	29	29	29	31	27	30	37	44
20	60	28	29	28	28	25	27	30	35
30	20	36	40	44	49	40	47	57	61
30	30	31	33	34	38	30	35	44	51
30	40	29	30	30	31	27	29	35	41
30	60	28	29	28	28	25	26	28	33
30	80	29	29	27	28	26	27	26	29
40	20	38	42	46	51	42	48	56	60
40	30	32	34	36	40	32	36	44	50
40	40	30	31	31	33	28	30	35	40
40	60	29	29	28	29	26	27	28	32
40	80	29	30	28	28	27	27	25	28
40	100	31	30	28	28	29	28	25	26
60	30	34	36	37	41	34	38	44	49
60	40	31	32	32	34	29	31	34	40
60	60	30	30	29	30	28	28	28	32
60	80	30	29	27	28	28	27	25	28
60	100	31	30	27	28	29	28	25	26
100	40	35	35	34	37	34	35	37	42
100	60	33	33	30	32	32	31	30	33
100	80	33	32	29	30	32	30	27	29
100	100	34	32	29	29	33	31	26	27

GT 03560

BASED ON PUBLISHED INDUSTRY PROCEDURES - FIELD PERFORMANCE MAY DIFFER FROM LABORATORY PERFORMANCE

EXHIBIT 3
TO
GENLYTE THOMAS GROUP LLC'S RESPONSE TO DEFENDANT'S STATEMENT OF UNDISPUTED FACTS AND COUNTERSTATEMENT OF FACTS

#5746

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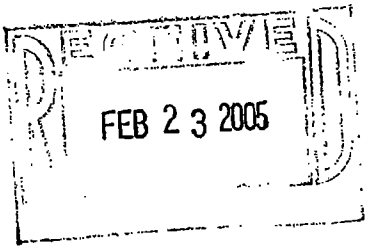
February 22, 2005

VIA OVERNIGHT MAIL



Elliot A. Salter, Esq.
SALTER & MICHAELSON
The Heritage Building
321 South Main Street
Providence, Rhode Island 02903-7128

Re: U.S. Patent No. 5,038,254
Our Client: Genlyte Thomas Group LLC - Lightolier Division
Your Client: Arch Lighting Group, Inc.

Dear Mr. Salter:

We have completed our infringement analysis of the MulTmed (2x4) product (the "Multmed") manufactured by your client, Arch Lighting Group, Inc. ("ALS"). On February 2, 2005, we viewed the Multmed in a hospital room setting wherein we illuminated each light fixture individually and examined the light patterns. Thereafter, our client performed additional photometric testing of the Multmed on February 11 and 14, 2005. From our observations and review of our client's photometric test results, it is our conclusion that the Multmed infringes U.S. Patent No. 5,038,254 (the ""254 Patent").

As you may be aware, the ceiling-mounted integrated medical lighting system inventions of the '254 Patent have pioneer status in the industry. Due to this fact, the claims of the '254 Patent are especially broad and we are confident that a court would construe such claim elements accordingly. The '254 Patent contains two independent claims, claims 1 and 3.

Claim 1 of the '254 Patent claims the following elements:

[1] a body;
[2] means for ceiling-mounting said body;
[3] a first light fixture within said body oriented to direct light downwardly to a selected reading area under said body; and
[4] a second light fixture within said body oriented to direct light downwardly and outwardly to a vertical wall surface outwardly adjacent from said body whereby light is reflected back to a broad area under said body.

Claim 3 of the '254 Patent contains all the elements of claim 1 above and additionally claims the following:

[5] a third light fixture within said body oriented to direct light downwardly under said body to a selected patient examination area.

As discussed below, the Multmed contains each of the elements of both claims 1 and 3.

As we observed, the Multmed contains three light fixtures housed within a single unit or body and is constructed so that the unit can be installed in a ceiling. In fact, ALS states in its product brochures that the Multmed is a single unit which contains "reading," "ambient," and "examination" fixtures. Moreover, as ALS's brochures illustrate and as we observed, the product is constructed so that it may be ceiling-mounted.

Element 3 of claims 1 and 3 recite that a light fixture is oriented to direct light downwardly to a selected reading area under the body of the unit. As you can see from the attached pictures, the Multmed product (where the light fixture labeled by your client as the "reading" fixture is illuminated) does in fact direct light downwardly to a reading area under the unit. This is confirmed by the attached photometric report. That report illustrates a candela distribution chart which reveals that the luminous intensity is directed downward so that light from the fixture is directed downwardly to a reading area under the ceiling mounted unit. In addition, this light fixture of the unit also directs light to a vertical wall where it is reflected back to and illuminates a broad area under the ceiling-mounted unit. Thus it appears that ALS has oriented the "reading" fixture so that light is directed outwardly *in addition to* light being directed outwardly. However, light from both directions ends up at the reading area under the unit. As you know, the addition of structure to the claimed structure does not avoid infringement. Thus, it is clear to us that this element of claim 1 and/or 3 is met by the Multmed product.

In prior correspondence, you have argued that no light fixture of the ALS product is present to meet Element 4 of claims 1 and 3. That element recites that a light fixture is oriented to direct light downwardly and outwardly to a vertical wall surface outwardly adjacent from said body whereby light is reflected back to a broad area under said body. However, as can be seen from other attached pictures, the Multmed product (now illuminating the fixture labeled by your client as the "ambient" fixture) does direct light downwardly and outwardly so that light is reflected off of the vertical wall to illuminate a broad area under the unit. In fact a substantial portion of the light measured at the bed level comes from a source which has been directed downwardly and outwardly to a vertical wall where it is reflected back to a broad area under the unit, as recited in element 4 of claim 1 and/or 3. Again, the attached photometric report verifies that light is directed downward and outward at an angle so that light would strike a vertical wall adjacent to the fixture when the unit is ceiling-mounted. Thus, contrary to ALS's contention and your argument, the Multmed product meets this limitation and, consequently, all the limitations of claim 1 of the '254 Patent.

What is more, element 5 of claim 3 recites that a third light fixture is oriented to direct light downwardly under said body to a selected patient examination area. As you can see from other attached pictures, the Multmed (where the light fixture labeled by your client as the "examination" fixture is illuminated) does in fact direct light downwardly to a patient examination area. This is again confirmed by the attached photometric report. That report illustrates a candela distribution chart which reveals that the luminous intensity is directed downward so that light from the fixture is directed downwardly to a patient examination area under the ceiling mounted unit. Consequently, all the limitations of claim 3 are likewise met by the Multmed.

As illustrated above, the Multmed contains each and every element of at least claims 1 and 3 of the '254 Patent and, consequently, ALS is infringing upon our client's patent rights. Therefore, on behalf of our client, we demand that ALS cease and desist from further manufacturing, selling, offering to sell, or importing of all Multmed products covered by the claims of the '254 Patent. We further demand that ALS provide us with an accounting of all sales of the Multmed products covered by the '254 Patent and identify the number of Multmed products in inventory.

We must additionally request that ALS provide us with immediate written assurances that it will no longer manufacture, sell, offer to sell, or import lighting fixtures covered by the claims of the '254 Patent. If we do not receive written assurances by March 1, 2005, we will assume that ALS does not desire to resolve this matter amicably, and we will take appropriate action in order to protect our client's patent rights.

Thank you for your prompt attention to this matter. We look forward to resolving this matter without the need for litigation.

Very truly yours,

MIDDLETON REUTLINGER

Robert J. Theuerkauf

RJT

Enclosures

cc: Daniel R. Fuller, Esq.
James E. Milliman, Esq.
James R. Higgins, Jr., Esq.